

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 26 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANIEL WAYNE OSBORNE,

Defendant - Appellant.

No. 08-30124

D.C. No. 6:06-cr-00019-DWM

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Montana
Donald W. Molloy, Chief District Judge, Presiding

Submitted January 13, 2009^{**}

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

Daniel Wayne Osborne appeals from the revocation of probation and the 24-month sentence imposed following the revocation of probation. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Osborne contends that the district court violated Federal Rule of Criminal Procedure 32 by revoking his probation based on information not contained in the allegation. We conclude that the information contained in the revocation petition was sufficient. *See Morrissey v. Brewer*, 92 S. Ct. 2593, 2603 (1972); *see also United States v. Havier*, 155 F.3d 1090, 1092 (9th Cir. 1998).

Osborne also contends that he did not receive sufficient notice that his probation could be revoked on the basis that he was fired from his job. We conclude that Osborne received sufficient notice. *See United States v. Dane*, 570 F.2d 840, 843-45 (9th Cir. 1977).

AFFIRMED.